

Remarks

The Official Action rejected claims 1-15. Claims 1-15 remain pending in the present application. Applicant respectfully requests allowance of the pending claims.

Premature Notice Of Appeal

Please disregard the Notice of Appeal mailed January 13, 2006 and continue prosecution of the present matter in light of the currently filed response. The Notice of Appeal mailed January 13, 2006 was premature since the current application has not been twice rejected.

Claim Rejections – 35 USC § 112, First Paragraph

The Office Action rejected claims 14-15 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. In particular, the Official Action indicated that the claims contain subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains to, or with which it is most nearly connected, to make and/or use the invention.

In particular, claims 14-15 teach a machine-accessible medium comprising code that when executed by a processor within an electronic device, causes the electronic device to carry out a test of a memory device to determine whether or not the memory device supports a precharge command. The paragraph [0031] of the instant application discloses a CPU 410 that executes machine-accessible instructions stored on a storage media 461 or memory device 430 to carry out tests on memory device 490 to determine the type and the functions supported by the memory device 490. The tests that need to be performed to determine the type and

the functions supported by the memory device are implementation specific. Given a specific implementation, one skilled in the art may easily determine and perform tests required to determine the type and functions supported by the memory device.

For example, Serial Presence Detect (SPD) (See, e.g. http://en.wikipedia.org/wiki/Serial_Presence_Detect) refers to a standardized way to access manufacturer information from a computer memory module. A Joint Electron Device Engineering Council (JEDEC) standard requires certain parameters to be placed in the lower 128 bytes of an EEPROM located on the memory module. These 128 bytes often contain timing parameters, manufacturer, serial number, and other useful information about the module.

Thus, by reading the disclosure provided in paragraph [0031], one of ordinary skill in the art could make or use the invention of claims 14-15 without undue experimentation. Applicant respectfully requests the Examiner to withdraw the rejection of claims 14-15.

Claim Rejections – 35 USC § 103

The Official Action further rejected claims 1-5 under 35 USC 103(a) as being unpatentable over Watanbe (US 5,463,590) in view of **Osborne (10/676,666)**. The Official Action further rejected claims 6-9 and 11-13 under 35 USC 103(a) as being unpatentable over Watanbe (US 5,463,590) and **Osborne (10/676,666)** in view of NEC preliminary user's Manual, Memory Controller NA85E35 and NBA85E535Vxx (NEC Manual). The Official Action further rejected claim 10 under 35 USC 103(a) as being unpatentable over Watanbe (US 5,463,590), **Osborne (10/676,666)**, NEC Manual, in further view of Rovati. The Official Action further rejected claims 14-15

under 35 USC 103(a) as being unpatentable over Watanbe (US 5,463,590),
Osborne (10/676,666), NEC Manual, in further view of Shaver (US 5,974,501).

Thus, all rejections of claims 1-15 rely on Osborne (10/676,666). However, Osborne is the instant application and therefore does not qualify as prior art under 35 USC § 102. In particular, the Official Action appears to rely on paragraph [0026] of Osborne. Paragraph [0026] states that despite the specific mention of address lines A0-A11 and BA0-BA3, one skilled in the art will readily recognize that any combination of the address signal lines or other signal lines (perhaps control lines) may be employed for the purpose of specifying bank(s) affected by a given precharge command and/or providing interoperability with existing DDR variants without deviating from the scope and spirit of the present invention. The paragraph [0026] of Osborne does not indicate the state of the art prior to Osborne, but instead identifies alternatives that one skilled in the art can appreciate "in light of the teachings of the instant application". In other words, there is no mention in the relied upon paragraph what one skilled in the art would recognize without the aid of the teachings of the present application.

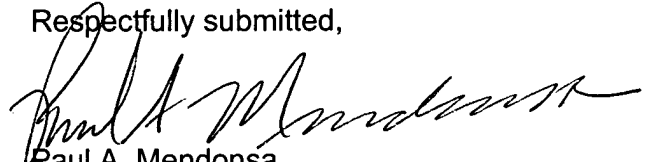
Since Osborne is not prior art, the 103 rejections of claims 1-15 are improper. Applicant respectfully requests the rejection of claims 1-15 be withdrawn. If the Examiner elects to maintain the present rejections of claims 1-15, Applicant respectfully requests the Examiner to clearly specify how the relied upon sections of Osborne qualify as prior art.

Conclusion

The foregoing is submitted as a full and complete response to the Official Action. Applicant submits that the application is in condition for allowance. Reconsideration is requested, and allowance of the pending claims is earnestly solicited.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #02-2666. If the Examiner believes that there are any informalities, which can be corrected by an Examiner's amendment, a telephone call to the undersigned at (503) 439-8778 is respectfully solicited.

Respectfully submitted,



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